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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 EASTERN DIVISION
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12 JEFF MACY,

13 Plaintiff,

14 v.

15 SAN BERNARDINO COUNTY,

16 Defendant.

No. 5:25-cv-00243-RGK-BFM

**ORDER REMANDING CASE
TO STATE COURT**

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18 The Complaint in this action alleges that Defendant San Bernardino
19 County¹ violated Federal civil rights laws and state laws. (ECF 1-1 at 2.)
20 Plaintiff alleges claims for (1) Intentional Infliction of Emotional Distress, (2)
21 Invasion of Privacy, Municipal and Supervisory Liability under 28 U.S.C. §
22 1983, (3) Failure to comply with public records requests, (4) Negligence, and (5)
23 Conspiracy. The Complaint was originally filed in the San Bernardino County
24 Superior Court. On January 29, 2025, Defendant removed the matter to this
25 Court. (ECF 1.) This Court *sua sponte* **remands** this action to the San
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27 ¹ Plaintiff named as Defendant the County of San Bernardino Risk
28 Management. Defense counsel avers that that entity is properly sued as San
Bernardino County. (ECF 1 at 1.)

1 Bernardino County Superior Court for lack of subject matter jurisdiction.

2 A defendant may remove “any civil action brought in a State court of
3 which the district courts of the United States have original jurisdiction” unless
4 otherwise expressly provided by Congress. 28 U.S.C. § 1441(a); *Dennis v. Hart*,
5 724 F.3d 1249, 1252 (9th Cir. 2013). The removing defendant “must
6 demonstrate that original subject-matter jurisdiction lies in the federal courts.”
7 *Syngenta Crop Prot.*, 537 U.S. at 33. Failure to do so requires that the case be
8 remanded, as “[s]ubject matter jurisdiction may not be waived.” *Kelton Arms*
9 *Condo. Owners Ass’n v. Homestead Ins. Co.*, 346 F.3d 1190, 1192 (9th Cir. 2003)
10 (citation omitted). A federal court may raise a lack of federal jurisdiction sua
11 sponte. *Emrich v. Touche Ross & Co.*, 846 F.2d 1190, 1194 n.2 (9th Cir. 1988).

12 This Complaint is largely duplicative of a complaint previously filed in
13 and dismissed by this Court, *Macy v. Cnty. of San Bernardino Risk Mgmt.*, No.
14 5:24-cv-1330-RGK-BFM, ECF 1; ECF 6 at 2 (Order Denying Request to Proceed
15 In Forma Pauperis). The claims are rearranged slightly, but there is no claim in
16 this case that was not among the claims dismissed in that earlier case.²

17 That earlier case was dismissed, among other reasons, because the Court
18 saw no basis for federal jurisdiction. *E.g.*, *Macy*, No. 5:24-cv-1330-RGK-BFM,
19 ECF 6 (Order Denying Request to Proceed In Forma Pauperis). More
20 specifically, the Court found the claims alleged in the complaints did not state
21 a federal cause of action, and that jurisdiction did not exist “merely because
22 Plaintiff characterizes his claims as federal civil rights violations.” *Id.* at 2.

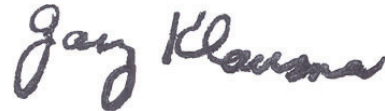
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25 ² The Court noted that that earlier case was itself duplicative in some
26 respects of other filings. *See Macy*, No. 5:24-cv-1330-RGK-BFM, ECF 6 at 2
27 (Order Denying Request to Proceed In Forma Pauperis) (pointing to *Macy v.*
28 *Cnty. of San Bernardino Public Works Waste Mgmt.*, No. 5-24-cv-1333-RGK-
BFM, *Macy v. Cnty. of San Bernardino Bd. Of Supervisors*, No. 5:24-cv-1165-
RGK-BFM, and *Macy v. Cnty of San Bernardino Bd. of Supervisors*, No. 5:24-
cv-1267-RGK-BFM).)

1 These facts are just as true on removal as they were when Plaintiff filed his
2 claims in this Court. Remand to state court is thus appropriate.

3 **IT IS THEREFORE ORDERED** that this matter be, and hereby is,
4 **REMANDED** to the San Bernardino County Superior Court of California, for
5 lack of subject matter jurisdiction.

6 IT IS SO ORDERED.

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8 DATED: **2/7/2025** _____



R. GARY KLAUSNER
UNITED STATES DISTRICT JUDGE